



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,572	10/23/2001	Donald E. White	205071	1824

23460 7590 07/17/2002

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

10/045,572

Applicant(s)

WHITE ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 17-20 is/are rejected.
- 7) ☐ Claim(s) 6-12 and 21-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the first office action for application serial number 10/045,572, Retainer Clip for Mounting Sink To Counter Top, filed on 10/23/01. This application contains twenty eight claims numbered 1-28.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 5,653,550 to Mutz et al. (See IDS).

Mutz et al. discloses a retaining device for fastening a sink to a counter top comprising: a ratchet plate (2, 3, 5) mountable to an edge of the counter top, the ratchet plate including a plurality of detents (5); a pawl (9, 10, 11) mountable to the sink and configured to deflectively engage at least one of the detents of the ratchet plate; and the pawl includes at least one resilient tab (10) which deflectively engages the ratchet plate. Mutz et al. also discloses that each of the detents includes a generally horizontal groove on a front face of the ratchet plate and a generally V-shaped groove formed by two surfaces disposed at a generally right angle relative to each other; and the ratchet plate

Art Unit: 3632

includes a stop (17) which extends rearwardly from an upper edge of the ratchet plate to seat against an upper surface of the counter top.

Claims 1-2, 5 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 3,229,310 to Enschede.

Ensch discloses a retaining device for fastening a sink to a counter top comprising: a ratchet plate (28) mountable to an edge of the counter top, the ratchet plate including a plurality of detents (42, 44, generally); a pawl (16, 20, 30) mountable to the sink and configured to deflectively engage at least one of the detents of the ratchet plate; and the pawl includes at least one resilient tab (32) which engages the ratchet plate. Enschede also discloses that each of the detents includes a generally horizontal groove on a front face of the ratchet plate.

Allowable Subject Matter

3. Claims 6-12 and 21-28 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 13-16 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the indication of allowable subject matter is the recitation of the pawl including a plurality of resilient tabs, at least some of the tabs having respectively different lengths so that when at least one of the tabs is seated upwardly in the detent, at least one of the other tabs is positioned between detent increments, which is not found in the art.

Art Unit: 3632

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3,583,002 to Roberts
2,993,088 to Camp
3,982,287 to Miller
2,897,516 to Enschede
3,080,569 to Juergens
6,216,992 to Bisonaya et al.

The above patents disclose various types of retainer clips for mounting a sink to a counter top.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is (703) 305-8244. The Examiner can normally be reached on Tuesday through Friday and on alternate Monday from 8:00 A.M. to 5:30 P.M. The fax numbers for the Group are (703) 305-3597 or (703) 305-7687 (for formal communication), and (703) 308-3519 (for informal communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.


TAN LE
PATENT EXAMINER

AU 3632
July 9, 2002.


ANITA KING
PRIMARY EXAMINER